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**Attorneys for Defendants
Heber City and Denis Godfrey**

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

AH AERO SERVICE, LLC
dba OK3 AIR,

Plaintiff,

v.

HEBER CITY, a municipal
corporation; PAUL BOYER, an
individual, in his individual and
official capacity; and DENIS
GODFREY, an individual, in his
individual and official capacity,

Defendant.

**DEFENDANTS HEBER CITY
AND DENIS GODFREY'S
MOTION TO FILE THEIR
RESPECTIVE MOTIONS FOR
SUMMARY JUDGMENT AND
SUPPORTING EXHIBITS
UNDER SEAL**

No. 2:17-CV-01118-HCN-DAO

District Judge Howard Nielsen, Jr.

Magistrate Judge Daphne A. Oberg

Defendants Denis Godfrey (“Godfrey”) and Heber City (the “City”) through the undersigned counsel, moves this Court for leave to file their respective Motions for Summary Judgment and supporting Exhibits 77, 101, 102, 103, 104, and 106 under seal pursuant to Local Rule 5-3(b), and in support therefor states as follows:

Local Rule 5-3(b) requires a party to seek leave of Court to file material under seal and to provide justification for filing material under seal. In this case, both the City and Godfrey have filed Motions for Summary Judgment. In support of their motions, the City and Godfrey rely on and cite to a number of documents and exhibits that Plaintiff AH Aero Service, LLC has designated as Attorneys Eyes Only or Confidential under the Standard Protective Order in this case. Such designations require the City and Godfrey to file that material under seal and to otherwise refrain from disclosing that information to the public.

Pursuant to Local Rule 5-3(b), the City and Godfrey attach to this Motion a copy of their respective Motions for Summary Judgment [ECF Nos. 162 and 163] and copies of Exhibits 77, 101, 102, 103, 104, and 106 [ECF No. 164], with the protected material highlighted. Public versions of those documents were filed today with those portions redacted. Unless and until this Court orders otherwise, or OK3 redesignates that material, the City and Godfrey believe they have no choice but to file the material under seal to protect its confidentiality.

For the foregoing reasons, the City and Godfrey respectfully request that the Court allow them to file their respective Motions for Summary Judgment and supporting Appendix of Evidence, as attached hereto, under seal.

DATED this 10th day of September, 2020.

KAPLAN KIRSCH & ROCKWELL LLP

/s/ Steven L. Osit

Peter J. Kirsch

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Attorneys for Heber City & Denis Godfrey

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following email addresses:

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